

Minutes of a Town of Riverhead board meeting held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, April 5, 2011 at 2:00 p.m.

PRESENT:

Sean Walter,	Supervisor
John Dunleavy	Councilman
James Wooten,	Councilman
George Gabrielsen,	Councilman
Jodi Giglio,	Councilwoman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Robert Kozakiewicz,	Town Attorney

(The CD was not started at the beginning of the meeting)

(The Pledge of Allegiance was recited)

(The invocation was led by Pastor Jerry Halpin)

(The 2010 Top Cop Award was given to Police Officer Timothy Murphy)

Supervisor Walter: "Okay. In our quest to get a dog adopted, we have, I think this picks up so I'm going to just speak here. We have Star. Star is an American Stafford Terrier mix, gender female, spayed, aged two years old. Star is up for adoption and- look at how cute Star is.

So I'm thinking that there is somebody in this audience that would like to take this dog home. Look at how sweet he is. He even likes the town supervisor. And the press. Look at how cute he is- she is.

So Star is adoptable, you can take her home today, we can figure it out. If you can't take her home today we've got the

animal shelter is at 369-6198. Mr. Diliberto- I don't know, Star kind of looks like you a little bit. That might be your dog right there."

Councilwoman Giglio: "I don't think he looks anything like you."

Supervisor Walter: "All right. She is so excited to be out. All right. Well, if anybody wants Star, she's available. All right. Thank you. Take care. Bye-bye."

Okay. We have four public hearings so we're going to- lets get to- "

Councilman Dunleavy: "Can we approve the minutes?"

Supervisor Walter: "We can."

Councilman Dunleavy: "I make a motion we approve the minutes of the March 15th, 2011 and the special town board meeting of March 24th, 2011. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The minutes are approved."

Supervisor Walter: "Okay. Diane, applications."

Diane Wilhelm: "Sure."

Supervisor Walter: "Wow, you've got a lot of stuff."

Diane Wilhelm: "Yeah, we do. We have a full agenda."

APPLICATIONS:

Special event permit

American Cancer Society - dog
walk fund raiser at Martha
Clara Vineyards -
April 10

Special event permit	Peconic Bay Medical Center - garden festival at Staples Shopping Center - May 5-8
Special event permit	American Heart Association - 5K run at Martha Clara Vineyards May 22
Special event permit	Wading River Shoreham Chamber of Commerce - community day at North Country Road, Wading River - May 22
Special event permit	Timothy Hill Children's Ranch dinner dance at 295 Middle Rd. May 14
Parade permit	Muddy Angels - Orient Point to Holiday Inn Express, Riverhead May 15 - 16
Parade permit	Combined Veterans Memorial Day Parade - through Main Street, Riverhead - May 30
Parade permit	National Multiple Sclerosis Society - bike tour through Riverhead ending at Martha Clara Vineyards - Sept. 10

CORRESPONDENCE:

15 letters	Requesting a short term moratorium be enacted for pending Wading River proposals
Riverhead Neighborhood Preservation Coalition	letter with attached memorandum of law regarding impacts of proposed developments in Wading River
Ronald J. DeVito	letter regarding proposed

Harrass Bloom & Archer senior retirement community at
intersection of Mill and Middle
Road, Riverhead

REPORTS:

Tax Receiver	Total tax collection dated March 17, 2011 - \$64,900,798.50
	Total tax collection dated March 24, 2011 - \$65,076,357.10
	Total tax collection dated April 1, 2011 - \$65,296,112.15
	Total utility collection for March, 2011 - \$262,584.82
Town Clerk	monthly report March, 2011 \$9,971.27
Sewer District	discharge monitoring report February, 2011

Diane Wilhelm: "And I think that's it."

Supervisor Walter: "Okay. Are there any other reports from
our various departments?"

Councilman Wooten: "Actually I have a couple. Actually the
Riverhead Handicap Advisory Committee is putting on an informational
symposium Saturday, the 9th of April, at the community center,
senior center on Shade Tree Lane.

It's going to be an informational symposium for persons with
disabilities, both physical and cognitive. All ages are welcome
from infant all the way up to adult.

A full spectrum of disabilities will be addressed and we have a
number of people coming to network with those in our midst and in
our society that have disabilities.

We have East End Disabilities coming, Therapeutic (inaudible)
programs, two different (inaudible) programs; Canine Companion,

(inaudible), Just Kids, Suffolk County Office of the Aging. There will be a lot of resources there, Lewin Medical to assist you and to network with those in the community and it will be a nice day.

So nine to twelve at the senior center on Saturday. Light refreshment will be given. So it will be a nice day, nice informational thing.

And also the second thing is to make you aware of the Riverhead town litter awareness and clean up day that we do every year through the anti-litter committee, is set for April the 30th, so it's awareness and clean up day where everybody will meet here at town hall, get their marching orders and their bags, some refreshments. It's a good day.

I think they coordinate normally with the beach clean up the same day. So it's a good day to clean Riverhead on April 3rd."

Supervisor Walter: "I think the beach clean up is May 7th."

Councilman Wooten: "Oh it's the next- oh, good, so good. Then it won't be conflicting. That's good."

Supervisor Walter: "I'll be there for the beach clean up. Sorry I'm conflicted out on the 30th. I'll have to pick up some extra trash."

Okay, any other committee reports?"

Councilman Dunleavy: "I just want to mention that on April 9th, we're having the egg hunt for the children at Stotzky Park at 9:00 in the morning. So anybody with children that want to come down and have a good time, it's April 9th at Stotzky Park at 9:00 in the morning."

Councilwoman Giglio: "Right. There's different age groups so you have to check on line and see because I think like three to four from nine to ten and then five to six, so check your age group and come on down."

Supervisor Walter: "Okay, any other committee reports? There not being any, I'm just checking my calendar to see whether or not that's in there."

Public hearing opened: 2:15 p.m.

Supervisor Walter: "The first public hearing is scheduled for 2:05, it's-- 2:05 having arrived and left it is the consideration of a petition to construct a lateral water main extension to provide water service to the proposed subdivision known as G&Z Retirement Community to be located at Middle Road, Riverhead, New York."

Dennis Kelleher: "Good afternoon. My name is Dennis Kelleher from the engineering firm of H2M. We are the engineers for the Riverhead water district.

The hearing today is to discuss providing public water to a proposed development.

The developer has petitioned the town board and the Riverhead water district to bring public water to the proposed development.

The proposed development is a 3.7 acre site located just north of Middle Road just east of Stoneleigh Drive. The development is a proposed retirement community which would consist of 15 new dwelling units.

As shown on the map, highlighted in blue is the existing water main. There's an existing 12 inch water main running along Middle Road and in order to provide public water to the development, we would need to install approximately 500 feet of eight inch water main off of the existing 12 inch on Middle Road into the development as it is highlighted in pink.

This subdivision, the road, entrance road, would be a private road for-- so in order for the Riverhead water district to maintain this water main in the future, we would request that the developer provide a water main easement 15 foot wide over where the water main will be installed.

This is a slight change in the way the Riverhead water district has operated in the past. Other condominiums and retirement communities that were supplied water by the Riverhead water district several years ago actually the water main was a private water main and we would have a master meter.

The Suffolk County Department of Health Services has changed their regulations because it had to do with the public-- well, the

fire hydrants that were to be installed on a project like this.

This project will have two fire hydrants installed within the complex.

In the past when we had a master meter, any hydrants installed after the master meter would be a private fire hydrant. Then it would be up to the homeowner's association to maintain that hydrant.

What has happened over the last 20, 30, 40 years throughout Suffolk County, that really wasn't happening. So the Suffolk County Health Department requires now that these not be private mains but they be owned by the water supplier— owned and operated by the water supplier.

So we're proposing here that this water main will be installed and owned and maintained by the Riverhead water district including the hydrant. So that's why we need the easement rather than doing a private water main.

We estimate the water use for the proposed development at 4,500 gallons per day based on the Suffolk County Department of Health Services standards for sanitary wastewater flow

In addition to that, we estimate the irrigation use for the property to be approximately 4,600 gallons per day during the summer.

The total cost to install the water main and all appurtenances has been estimated at \$87,000. That includes engineering costs, inspection and administrative fee by the Riverhead town and Riverhead water district.

This entire cost would be paid by the developer.

In addition to that, the Riverhead water district has key money fees and key money fees based on the 15 units, would be \$40,950 and in addition to that, we calculate key money based on the irrigations units would be— with the irrigation use, would be \$42,133, so total key money associated with this project would be \$83,083.

And that's it."

Councilman Dunleavy: "Can I ask you a question?"

Dennis Kelleher: "Yes, sure."

Councilman Dunleavy: "You said this was just east of Stoneleigh, the community there."

Dennis Kelleher: "That is correct."

Councilman Dunleavy: "Now isn't Sunken Ponds right there?"

Dennis Kelleher: "It's the property just east of Stoneleigh."

Councilman Dunleavy: "I thought Sunken Ponds backed up to Stoneleigh. Is it on the other side of- "

Dennis Kelleher: "Actually, if you- "

Councilman Dunleavy: "I can't see the map so that's why I'm- "

Dennis Kelleher: "Oh, I'm sorry. The blue line going up and down represents Middle Road. The blue line on the bottom of the sheet is Stoneleigh. I think it's Stoneleigh Drive or Stoneleigh Blvd. So this is just east of the- the property just east of the Stoneleigh project."

Councilman Dunleavy: "Is that where that horse farm was?"

Dennis Kelleher: "Yes. There is one- "

Councilman Dunleavy: (Inaudible)

Dennis Kelleher: "-- I think so. The existing house is already connected to the Riverhead water district with service right into (inaudible)."

Councilman Dunleavy: "Okay. So it's a very small piece?"

Dennis Kelleher: "Yes."

Councilman Dunleavy: "Of property. It's just east of Stoneleigh and just west of Sunken Ponds."

Dennis Kelleher: "That is correct."

Councilman Dunleavy: "Okay. Thank you."

Councilman Gabrielsen: "So the installation cost is \$87,000. Am I correct?"

Dennis Kelleher: "The installation cost has been estimated at \$87,000."

Councilman Gabrielsen: "Eighty-seven thousand. That would be paid before we start work, right?"

Dennis Kelleher: "That is correct."

Councilman Gabrielsen: "And then the key money would come later before they start development?"

Dennis Kelleher: "The town and water district policy, I think it is on CO that they have to pay the— before CO's are issued, they have to pay key money."

Supervisor Walter: "I thought that was— Gary, isn't it on the site plan or subdivision signing that we pay or they post bonds?"

Gary Pendzick: "The key money is usually due as a CO or a certificate of occupancy is issued for each structure, before the structure is put into use. However, we have moved towards payment at a sooner time in some instances to facilitate in the (inaudible)."

Supervisor Walter: "I think the key money— when I was in the town attorney's office we stopped the CO— key money at CO. We did it at map signing or site plan signing because it was a— it was a confusing effort to try to figure out when the CO— I think— has the— is there anybody here for the applicant?"

Charles, is it— could you step up, shed some light on this?"

Gary Pendzick: "By the way, Gary Pendzick, Superintendent of the Riverhead Water District."

Supervisor Walter: "Sorry. We probably should have swore you in, too, both of you."

Charles— Mr. Cuddy, I'm sorry. You are an attorney so we don't

have to swear you in.

Did we pay at- this is a site plan, this is not a subdivision?"

Charles Cuddy: "My recollection is that in the adjoining units, Sunken Pines and Stoneleigh Woods that we did pay at the CO. I don't think we paid before that."

Supervisor Walter: "Okay."

Charles Cuddy: "It's really difficult on the developer to do that. You're talking about a fair amount of money each time. So (inaudible) he's got the money."

Supervisor Walter: "Okay. All right. Thank you. Did you want to say anything else about this? Thank you."

Does anybody else wish to be heard on this? No? We'll leave it open then for- close the public comment portion and leave it open for written comment until Friday, April 15th, at 4:30 p.m."

Public hearing closed: 2:23 p.m.
Left open for written comment for
10 days to April 15, 2011
at 4:30 p.m.

Public hearing opened: 2:23 p.m.

Supervisor Walter: "All right. The next public hearing is scheduled for 2:10; 2:10 having arrived, this is for the consideration of a proposed local law to repeal and replace Article XXIII Residence RC Retirement Community section of the town code of Chapter 108 entitled zoning of the Riverhead town code."

John, did you want to introduce this?"

Councilman Dunleavy: "Yeah. This is an amendment for assisted living homes. The goal of this amendment to the RC zone is consistent with the philosophy to protect the health, safety and welfare of our seniors and permit our seniors to continue to live within the community, that they may have the joy for the entire life or most of their lives."

The goal— this goal, health, safety and welfare for our seniors was expressed in the accessory apartment local law allowing seniors to maintain their residence and earn income for the space they do not require by permitting creation of accessory apartments.

Amendments to Chapter 53 lessens burdens to make handicapped accessible improvements to homes and businesses. Taxi regulations protect seniors who are no longer able to drive and rely on taxicabs for travel.

So this is just one more goal that we are after for our senior citizens, that they do not have to leave the town of Riverhead to live in a place that they're unfamiliar with, that their neighbors are not.

So these assisted communities are going to be right now. We have one of the largest senior population in Suffolk County here in the town of Riverhead and we just have to continue to protect them, keep them so they can enjoy living the rest of their lives in Suffolk County.

And this is to help that out. So thank you."

Supervisor Walter: "Okay. Does anybody else wish to be heard on this public hearing? Mr. Cuddy, you had your hand up first so I think the gentleman in front of you wants to speak, too, maybe you could be second and we'll move towards the back of the room."

Charles Cuddy: "Charles Cuddy. I have several concerns with this, John. Even though you indicate it's for assisted living, they way it's set up is there's a definition for assisted living but it's lumped together with a defined planned retirement housing community.

And when you look at that, you really don't have just assisted living. You have several types of living put together, yet the problem is that assisted living is what should be addressed, I believe, because when you talk to health care professionals, the health care professionals say you don't need nursing, we have nursing here but what we need is assisted living.

And so I would hope that the board conceptually would take a hard look at that.

And I want to go into several areas of the proposed code if I

may, and just talk about them a little bit.

There's a section called 108-119D, it's about TDR's. When this is set up, you have two types of units that you're talking about. You're talking about the old planned retirement community over 55. That still exists under this code provision.

But then you have a new type of community, the planned retirement community with three different components to it and when you look at that, the TDR's are set up in a very strange way.

If you take the units that are the independent living units, the TDR's are set up so you get one free unit, then you have to have three TDR's. However, if you're in the planned retirement community, you can build the same type units but you get four. So everybody who is building separately independent living units, is at a disadvantage, that every four units that are built, \$200,000 is the difference.

So the person that works inside your planned retirement community gets a benefit that nobody else in the community gets. I think that's bad. I think the TDR's should either work for everybody or they should work for nobody."

Supervisor Walter: "We had a- I'm going to ask you to elaborate. This may be a more technical public hearing than I think some are used to on the board.

This has been bantered about, the ratios have been bantered about, facilities have been visited by members of the staff and we've spoken to the hospital. I don't know whether we have it right or wrong but I need to flush it out for my own purpose so even though I may be an attorney, I didn't follow what exactly- is it the ratio that's wrong or where we're putting the TDR's?"

Charles Cuddy: "I think what you've done is you've put the TDR's that you have now, right now when you build independent units-"

Supervisor Walter: "Independent unit meaning a single family detached- "

Charles Cuddy: "-- single family unit, attached, usually they're four units in one condominium building. When you do that,

you have one free one, meaning you get one unit- "

Supervisor Walter: "Per acre."

Charles Cuddy: "Per acre. You must buy three TDR's to build the next three units."

Supervisor Walter: "Okay."

Charles Cuddy: "Now the way you've set it up here, is you've done the old way for the independent units but when you get inside your planned retirement community, that person who's building there gets four free units. That's a big difference. And for the developer who's outside, that's a discriminatory situation.

You can't have that happen. It's \$200,000 for every four units that you build."

Supervisor Walter: "So if you're doing planned- which is more of the being in the nursing home type facility. Not quite nursing home but more assisted, you're getting four units per acre at no cost."

Charles Cuddy: "That's right."

Supervisor Walter: "Okay. So that ratio may not be right."

Charles Cuddy: "I think it's wrong."

Supervisor Walter: "Okay."

Charles Cuddy: "That's what I'm saying."

I also if I can address a few other sections. The 108-120 talks about requirement of being within 1500 feet of public water and public sewer. You have to have a 15 acre site. It doesn't appear to me and I've looked at the sewer map, the current sewer map, that there are very many lots inside the sewer district that this applies to and there seem to be very few outside the district.

I don't know if this is tailored for a particular site or a particular applicant, but there are very few that fit the qualifications that you have down here. I think it needs to be looked at a little bit closer."

Supervisor Walter: "I think that-- my thought on that subject and it may not be shared by the board, is to concentrate your development in the areas of the town that are already developed, that are sewerred.

My understanding from kind of doing the same business you do is that the county health department frowns on the (inaudible) treatment systems. They don't want to see them anymore. They want to see everything sewerred so we kind of tailored that in with the theory of let's develop the areas that are already developed and not take the sprawl out any further to Wading River, Aquebogue or Jamesport.

But that's a good point."

Charles Cuddy: "We perhaps differ on that but I'll get to that in a minute.

I look at 108-118 and this is the uses that are referred to and I'm not sure how this is being set up. If you have a planned retirement community and you call it a congregate care facility usually you are talking about a life care facility. Life care has the very ingredients that you talk about.

You have independent living, assisted care and skilled nursing care. The way this is set up though, your particular code provision, you can't tell whether you have to use all of these together or you can use them in different proportions. It's very possible that if you're not doing all of these together, and remember in a life care community which this is referring to, you have the possibility of going from one to the other to the other. Independent to assisted to skilled nursing.

You don't talk about that here. You don't even address the public health law which really I think controls this at Article 46. But let's say-- "

Supervisor Walter: "Just hold on a second. Ann Marie Prudenti was here. Did she leave? Oh, okay, you're getting all this? She's one of our primary authors here so-- "

Charles Cuddy: "I'm sure that she's taking in what I'm saying. But if you have these contractually separate, do the people who are going into the independent situation in this planned

retirement community, do they get contractually the right to go to assisted and to skilled nursing? That's what you would do in a life care condition. This doesn't talk about that.

It also doesn't talk about- "

Supervisor Walter: "So that would be- what that would mean is when somebody buys the 1200 square foot detached home, that they have the contractual right to move right through the system if you will."

Charles Cuddy: "And if they don't, do you make the developer build all the units together. Can he build separately some units so that he could built all independent living units except maybe two acres worth so that you'd end up with perhaps 48 independent living units and you'd end up with maybe six assisted care and perhaps eight or 16 nursing care?"

Supervisor Walter: "That's a really good point. I hope you've got that point, Ann Marie, because that's a really good point. We don't want to have, as Councilman Dunleavy said, the need really is not so much for the skilled nursing home but for the skilled nursing home and everybody else, we don't want out residents to have to leave the town because they can't take care of themselves and so- but we also don't want to set up a situation where we build four units per acre and we get 200 single detached units and no skilled nursing or (inaudible) care."

Charles Cuddy: "Even if you just have one assisted care unit and one or two nursing, you can have a build out of all the independent living.

But reverse that around and talk about the skilled nursing because skilled nursing I understand is taken care of pretty much by the hospital in the town and others.

But you could have somebody come and build all skilled nursing, have one unit left for the independent, have its staff live there, and have one for the assisted care.

There's no way of monitoring what's going on here and I think it has to be done. I think you have to look at it a little bit closer."

Supervisor Walter: "Certainly if we want to meet the Councilman's goals and I think the board's goals, we're to provide for the— it's not only to provide for the people in Saddle Lakes and other communities in the town— I don't know why I picked on Saddle Lakes, but some of the other communities in the town. It's also to have the ability for them to go to a facility, send their wives or husbands to a facility such as this and you're right, if you can't do it, it doesn't help that situation."

Charles Cuddy: "And also getting back to your point before about where the location of this is."

Generally speaking, an assisted care facility is not necessarily located next to a shopping facility. And the reason for that is is pretty simple. The people who are in assisted care and nursing care don't need to shop. They're not going out to walk to the stores. And yet this talks about being next to public services, public transportation. Those people can't frankly get into that situation. They just aren't able to do it.

So usually assisted care in areas like this would be in a more rural setting and I think that would be appro pro particularly in this town where you can have a serene setting and not be on top of stores and not be on top of buildings."

Councilman Dunleavy: "Mr. Cuddy, just on that point there. Assisted living, these people are not homebound. They can get out and they can walk. They may need a little assistance in taking their medication or cooking but they can get out and go to the store."

I visited a lot of assisted living and they even go out to lunch. They drive cars and go out to lunch. So it should be around walkable things where they can go and pick stuff up if they want, a snack or something."

Charles Cuddy: "Many assisted care facilities, maybe we differ in the type of facilities we are speaking about, but many assisted care facilities are people who are what they call in the public health aging in place. And that aging in place is not necessarily someone that goes out. Now in an assisted care facility you can certainly go out. Usually a family member comes and takes the person out. But not too many of them are in a position where— because they wouldn't be there if they could just walk around the

community. So most people in those facilities have- "

Councilman Dunleavy: "But I think you're talking about a nursing home."

Charles Cuddy: "-- have some- no, I'm talking about- "

Councilman Dunleavy: "Not assisted living."

Charles Cuddy: "I'm talking about assisted living. That's what I'm talking about. So we disagree- "

Councilman Dunleavy: "I've been down to Florida, I've visited them in Florida and these people are not bedridden. They can get up and they can walk. You go up to- up west to Smithtown or to Holbrook or to Huntington. These people do get around."

Charles Cuddy: "I think that most assisted care people need some assistance and that's why they're in there but we can disagree, I understand."

Supervisor Walter: "Well, it's interesting because my concept of this was, well, you know, we put this up for public hearing because quite frankly this has been moving around since before even- before this side of the board got here this has been talked about. So we wanted- John wanted to move it forward so it's a tough code to try to get everything together."

But my concept of it was there would be more apartment style living the way my wife's grandmother was in and maybe you had an apartment with cooking facilities in a regular like apartment. And then you moved to just a room and then you moved to the nursing (inaudible). That's what I thought we were getting with this. But I don't think maybe we are getting that."

Charles Cuddy: "I don't know that you are but let me just make one other point if I can."

If you have skilled nursing at this site and the skilled nursing is operated by a not for profit, I think that the board should be aware that some not for profits that operate skilled nursing look for tax exempt status and so you're not going to get real property taxes if that happens. So you may want to- how you go about doing that part of the code.

I think that when you look at this, there are enough questions that should be again reviewed and perhaps revised. But I just raised some of them so I would at least have you think about some of the problems."

Councilman Gabrielsen: "I would like to clarify something with you. So I think you objected to 1,500 square feet, I mean the 1,500 feet from the sewer district. You want to expand it greater. Is that the kind of point you make and it's not all- "

Charles Cuddy: "Yes."

Councilman Gabrielsen: "Do you have any idea what you would like to see it expanded out to?"

Charles Cuddy: "I think that the town has to look- now this is a floating zone so- "

Supervisor Walter: "No. We definitely are not making it a floating zone."

Charles Cuddy: "Well, it's not? There's nothing here that talks about how you apply it."

Supervisor Walter: "I think what- "

Charles Cuddy: "It says special permit. It doesn't talk about anything else but a special permit."

Supervisor Walter: "I think the town attorney will address it but we're not making a floating zone."

Charles Cuddy: "So you're going to each- it's going to be an ad hoc thing that you come to the town board and ask about?"

Supervisor Walter: "Well, I'm going to let the town attorney talk about it but I think it's going to require change of zones and the issue, you know, the 15 acres. All these things were just kind of put together because we had a lot of- many different versions that were submitted to us and the town attorney took that, the state public health code, and kind of put it together into some thing so we could move forward. Where we land, I don't know.

Did you have something else, George?"

Charles Cuddy: "Okay, I just wanted to bring those things to your attention."

Supervisor Walter: "Thank you, sir. I think you're from the hospital, correct?"

Jay Zuckerman: "Yes."

Supervisor Walter: "How are you doing?"

Jay Zuckerman: "Very good."

Supervisor Walter: "If you could just state your name for the record and raise your right hand to be sworn it."

Jay Zuckerman: "My name is Jay Zuckerman. I'm vice president for corporate affairs, Peconic Bay Medical Center."

Supervisor Walter: "Bob, you want to swear him in?"

Robert Kozakiewicz: "Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Jay Zuckerman: "Yes, I do. It's a pleasure to be here in collaboration with the town and I think the council as well as the town supervisor has shown a lot of foresight in terms of the reality of individuals getting older. As you can tell by my own grey hair, I'm planning for my own future.

And I think if you look at the efforts of the town to provide condominium style living arrangements for individuals who are 55 and above, that process started about 10 years ago. Those individuals are now in their middle 60's and in fact we support Mr. Dunleavy's proposal that we need to make sure that people who want to stay in Riverhead can indeed stay in Riverhead.

So we are in full support of assisted living.

The problem that we see with this particular proposal is that (1) it doesn't fully apply for the needs of individuals who need assisted living. Those people in their own way are active. Those people in their own way can provide for their own meals and we need to be able to encourage them to do so.

One of the dilemmas with the proposal is that it does not require kitchen facilities within each apartment. It applies for congregate meals. And I think more and more that option should be available but more importantly we should allow individuals who are able to make their own food, who are able with light assistance of a home health aide or what have you to assist them in that process.

And I think clearly if we look at the ability to provide opportunities for individuals to be as active as possible and I think the issue of having them in close proximity to shopping and what have you is indeed important as opposed to isolating individuals.

Isolation results in people aging prematurely. So I think what we need to do is to look at facilities that indeed provide a spectrum of activities for individuals based upon their capability.

If you are looking at the whole issue of nursing homes, it's clear that the state is wanting to reduce the number of nursing home beds because these other options are available, because of the high cost of nursing home beds, and the cost on the Medicaid system.

So I think we should provide opportunities in concert with the state relative to this.

If we look at the nursing homes within the area surrounding Peconic Bay medical center including our own, we are not all at full occupancy and I think we need to be sure that we are efficient and we can only be efficient if we in fact have the ability to have a high enough occupancy such that we maintain an economical situation for individuals who do indeed need skilled nursing facility care."

Supervisor Walter: "Okay."

Councilman Dunleavy: "Thank you."

Jay Zuckerman: "My pleasure."

Supervisor Walter: "Thank you, sir. Yes. Oh, Mr. Zuckerman, we are-- I was asked by somebody at the hospital, we are going to leave this open for written comment for 10 days so if you want to reduce any-- and that's for anybody, if anybody wants to put this into a written format we'll take it."

Jay Zuckerman: "It will be our pleasure."

Supervisor Walter: "Thank you, sir. Yes, sir."

Bob Zappulla: "Hi. My name is Bob Zappulla. I'm a resident of Riverhead and I- "

Supervisor Walter: "Would you just raise your right hand, sir?"

Robert Kozakiewicz: "Could you raise your right hand? Can you repeat after me? Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Bob Zappulla: "I do."

Robert Kozakiewicz: "Thank you."

Supervisor Walter: "Would you spell your last name, sir?"

Bob Zappulla: "Z-A-P-P-U-L-L-A, Robert."

Supervisor Walter: "Thank you, sir."

Bob Zappulla: "I'm here to talk about the rezoning and I'm in favor of the assisted living facility. I had a script here but it's changed listening to some of these stories, one of which is I said that I thought there were 11 senior citizen communities in the town of Riverhead and I just found out there's going to be another one, so there's 12. Okay. So that's one thing I had wrong.

And I also had approximately 2,000 families live in those communities. Now I'm here to talk about a person experience that I had with my mother-in-law a year and a half ago where she was living with me in Riverhead but she lived in the town of Brookhaven in Farmingville for 33 years.

And there came a time where she needed assisted living. And the first thing you really don't want to do is get rid of your mother or mother-in-law. However, when the need is there, the need is there.

Selfishly we want them next door so we can see them and take care of them. Well, unfortunately there wasn't anything in

Riverhead. Greenport, Brookhaven, Southampton, blah, blah, blah.

Well, we really did get lucky. We found a place in-- actually it was Holtsville when we lived in Farmingville. So we put her there and it was a God send. She lived there for 33 years, she had friends, she had her church, she had her familiar surroundings. This made a tremendous difference in her life.

Selfishly I didn't need to want to travel 20 miles but it was the best thing for her. So it really struck something in me that my life here now is in Riverhead and a lot of us are and most of us got that one foot on the banana peel."

Supervisor Walter: "I've never heard it put that way."

Bob Zappulla: "Well, think about it. So something happens to me today or tomorrow, I don't want to go 20, 30 miles away. I want to be here. I want to be around my family, my friends, my church, everything. So to me that really struck home. So it really hit me on a personal level.

Now statistically I'll have to read this, the (inaudible) organization, a national company that collects demographic data, predicted by 2014 the general population in Riverhead would go to 39,267 people and that 8,000 persons in that population will be seniors who are 65 years and older.

In this age group, statistics tells us that 40% of the 65 plus group will experience functional limitations for--they will require assistance. Moreover, (inaudible) predicts that an additional 55,392 seniors who are between 55 and 65 years old-- of age, will be part of that Riverhead population by 2014. This age group will eventually be added to the 65 and older age group.

Clearly, there is a pressing need for affordable assisted living in the town of Riverhead.

And again on a personal note, she was in an assisted living facility. Her girlfriends came, they took her out. Most of the times I tried to call her, she wasn't in her room. She was never isolated. There were things going. They had happy hour, they were doing everything.

The day before she broke her hip, she was in Foxwood gambling.

Okay? She was 90 years old. She died at 92."

Supervisor Walter: "She's spending your inheritance."

Bob Zappulla: "Okay. She definitely- she was gambling my inheritance. So- "

Supervisor Walter: "Can I ask you a question about the facility she was in?"

Bob Zappulla: "Yes."

Supervisor Walter: "Did she start out in like an apartment setting with a kitchen or something like that?"

Bob Zappulla: "No. She went from my house to an apartment which provided either a separate apartment for yourself or two in a room or that was the second choice and the third choice was two in a room but they were separate bedrooms, one common bath. No cooking facilities because I think when you require that type of assistance with your medication or having a bath or your hair, sometimes even getting dressed, you're not going to cook, you're not going to do that. It's there for you. The cooking facility is there. You don't have to concern yourself with that. It's planned. Everything is planned for you and you have freedom and you have dignity. The big word was dignity.

So I thank you for your time."

Supervisor Walter: "I appreciate that. I thank you, sir."

Bob Zappulla: "Any other questions?"

Supervisor Walter: "No. Thank you, sir."

Councilman Dunleavy: "Thank you."

Supervisor Walter: "How are you doing, sir? If you could state your name."

Keith Archer: "Yes, surely. Mr. Supervisor, members of the town board. Keith Archer, Harris Bloom and Archer, 445 Broadhollow Road, Melville, New York.

Just a couple of comments. First, really in the form of a suggestion. And that is to really- to make the ordinance more flexible for potential- "

Supervisor Walter: "You're an attorney?"

Keith Archer: "Yes, I am. To make it more flexible for applicants that may come before the board. And that is to- with respect to the size of the units. To provide some additional flexibility. I think I heard that before. To allow the units to be a little smaller.

I think under the health department regulations the minimum size unit is approximately 350 square feet and I think in these types of facilities, in many instances the units are small, sometimes there are companion suites where there are one room next to another with a common vestibule, so that there should be flexibility in terms of being able to allow for smaller units.

So that was one comment, Mr. Supervisor."

Supervisor Walter: "Can I ask you a question?"

Keith Archer: "Sure."

Supervisor Walter: "Because I know some of this is driven by our need and you have a vested interest- your client has sort of a vested interest in this as well.

Are-- how many single family residences are you planning to build- or do you think they're planning to build in here, and are they planning to build this all at once?"

Keith Archer: "We are planning to build- this is the- just for everybody's edification. This is the property on Mill and Middle Road and, yes, the plan is to build the project as one project."

Supervisor Walter: "Right. But what is the number of say independent living- if you have somebody else that wants to address it, that's fine.

I hate when I was the attorney and my client would ask me a question and- "

Keith Archer: "I'm going to let Mr. DeVito address the specifics on the project."

Supervisor Walter: "All right. Then you finish your presentation."

Keith Archer: "Let me just finish. The other suggestion that I have, again, it's to maintain a flexibility with respect to site planning because this town always does- they really do a fine job in terms of site planning. You've got a great planning director, you know that."

But the suggestion is to give the planning board flexibility with respect to the setback requirements. Right now, they're kind of rigid within the ordinance. So the suggestion is, is to give the planning board- I wouldn't require necessarily an applicant to go to any other board other than the planning board, but just give them some flexibility to modify the setback requirements in their discretion."

Supervisor Walter: "Okay."

Keith Archer: "All right. And I think I'll let Mr. DeVito answer those specific questions, Mr. Supervisor."

Supervisor Walter: "Okay, thank you."

Keith Archer: "Thank you."

Supervisor Walter: "Mr. DeVito, if you could just state your name and raise your right hand."

Ronald DeVito: "Ronald DeVito."

Robert Kozakiewicz: "Mr. DeVito, do you solemnly swear the testimony that you give will be the whole truth and nothing but the truth, so help you God?"

Ronald DeVito: "I do."

Robert Kozakiewicz: "Thank you."

Ronald DeVito: "Good afternoon Mr. Supervisor and members of the town board. I'd just like to speak about in response to your

question, Mr. Supervisor.

The project that I'm planning is going to include independent living units, about 100. It's going to include an enriched housing program. That's a type of adult care facility that's called enriched housing and those are for the people that car- are ambulatory and they can get around on their own without much assistance, and then there's an assisted living grounds.

The enriched housing is going to be 50 or 60 apartments and the assisted living residences are going to be 24 to 30. So this is a combination that allows for aging in place and it's a combination that runs from active seniors.

We like to have active seniors because it's good for the other people who may have some functional limitations to be able to interact with them. And then we have people in the enriched housing who need only a moderate amount of assistance and then the assisted living residences are divided into categories that go all the way up for enhanced assisted living which is a type of facility with very high levels of care.

And just to address a point that was made earlier by one of the speakers. Back in 2005 the state enacted the assisted living reform act and that allowed adult care facilities and enriched housing is a type of adult care facility to do a lot of the things that previously we couldn't do such as keeping people who are non-ambulatory, who couldn't transfer, who couldn't ascend or descend stairs.

The assisted living format changed all that and allowed us to keep those people and even to do in some cases skilled nursing. Now that's not to be confused with a nursing home. The skilled nursing that the assisted living format referred to is a limited form of skilled nursing.

The nursing home is for those who need 24 hours of skilled nursing care, around the clock. The skilled nursing that we're allowed to do in assisted living residences is much less in severity. So it's not- two different things.

By the way, I've been licensed by the state of New York to be a nursing home administrator. I also am licensed for- "

Supervisor Walter: "Steve Levy might have a nursing home for sale. You might want to check with him."

Ronald DeVito: "I've been reading avidly about it. And I've also been licensed to operate adult care facilities, assisted living residences, enriched housing programs."

So I'd like to make that distinction because we are in no sense a nursing home but we can do limited amounts of skilled nursing services and therefore that now allows people to age in place. They don't have to transfer out unless they need supervision and care and nursing services on a 24 hour basis."

Supervisor Walter: "I have a question because it comes down to what Councilman Dunleavy said in the beginning because I live in Saddle Lakes and my wife can't— and I can't make it or she can't make it anymore and I want to still live in Saddle Lakes, are they going to be able to come in to your enriched housing and the follow on to that is if they don't start in your independent— in other words, if I don't start in kindergarten, can I go to first grade? I shouldn't use that analogy. My wife's a first grade teacher. But if I don't start in the independent living, will you take people from Saddle Lakes and other places and also are the people— the hundred that may be in their in the independent, do they have a contractual right to move through the facility?"

Ronald DeVito: "Yes. The answer to that is yes."

Supervisor Walter: "The answer to both is yes?"

Ronald DeVito: "Yes. And Mr. Cuddy referred to a life care community. That is not what we do. A life care community was first enacted about 40 years ago and it is distinguished from what we do in that they require entrance fees, monies have to be held in escrow, you don't own or rent anything. You have the right to use the unit. You are charged so much a month but the entrance fee stays in escrow. It's a very complicated system."

So this is not a life care community under Article 46 of public health law."

Councilman Gabrielsen: "I'd like to raise a question. We are all interested in diversity of the housing types here. That concerns me. You start out with a hundred independent housing, then

you half it to 50 and then the complete health care would be like 25. So back to what Sean said, the numbers don't work. With these people going up, you're providing less- I'm not picking on you per se. You're providing less care. So how could somebody from the outside get in there?"

Ronald DeVito: "Well- "

Councilman Gabrielsen: "Just, you know, the percentages seem to be maybe off on that."

Ronald DeVito: "Yeah, let me explain why. I should have explained this (inaudible). My company would also be licensed as a licensed home care service agency. So many of the people who may need assistance will have the option of staying in their independent apartment and receiving care and supervision there.

So when you put that in as one of the dynamics the ratios work very well. So the enriched housing is really for people who come in in the first instance without going through the independent living.

All of the people living in the independent living will have the opportunity to be cared for by the licensed home care service agency. So, therefore, the proportions work."

Councilman Dunleavy: "Can I get- I didn't get your answer to the Supervisor's question. If I'm- I don't live there but I need the assisted living, can I apply and will you let me live there if I don't live in your community?"

Ronald DeVito: "Of course."

Councilman Dunleavy: "Okay."

Councilwoman Giglio: "And the licensed home care agency can also serve other communities other than the community that you are creating, correct?"

Ronald DeVito: "That's correct. Yes."

Councilwoman Giglio: "Okay. And does the hospital do that also?"

Ronald DeVito: "Yes."

Supervisor Walter: "One of the things, we didn't address this. Is there anyone from the Riverhead Ambulance Corps here? Okay. Here's something that is going to be addressed by us should this go forward. Because this is-- we've burdened our Riverhead Ambulance Corps in a tremendous fashion with these assisted living communities and there has to be a community benefit.

I mean we talk about the community benefit but we can't unduly burden the ambulance corps and we asked them-- I asked them -- the board, we were together, one of two things. Whether we would make you do your own ambulance and I'm not talking about just transport. But you would have a-- what's-- "

Councilman Dunleavy: "Emergency ambulance service for your people."

Supervisor Walter: "Or the alternative because you're going to be looking-- this is a substantial down zoning. I mean it really is a substantial down zoning. The community benefit the board may turn out to and what I think the ambulance barn people might-- ambulance corps may want is an addition to their ambulance barn and we may as-- because this is going to be twofold. It's not a floating zone. This is creating a zone and then applying-- or the town changes the zone on a piece of property. As part of that zone change, we can look to if I'm not mistaken community benefits.

In other words, there's a need in the community, you are impacting that need, and we may be looking for something along the lines of working to expand our ambulance district because there's 180 by my calculation-- we don't have the ability to serve them.

I don't want to say we don't have the ability. That's just going to burden us a whole lot further and so that's something that came up last week and it's nothing anybody really talked about until last week or the last two weeks.

So I don't know-- in other communities, do you actually provide your own critical care ambulance?"

Ronald Devito: "Not usually, Mr. Supervisor. But I operated five facilities at one time, Rockville Center, Plainview, Melville, one other in Queens county, and every single one of them and every one I'm familiar with, and I've also done a lot of work with other people serving as a consultant to help them operate these kinds of

facilities, train their personnel and so forth, I do a lot of that work, and I understand completely that every one of these facilities depend heavily on the local emergency service.

And sometimes it's been suggested that well, maybe you can hire your own ambulance services. I've tried that on occasion and it didn't work very well because the response time wasn't always very good and that's very important and not a good thing to have.

So I understand completely how important this service is and if I can be of any assistance to that service, I'm more than happy to do so."

Supervisor Walter: "You might be because this is going to require additional ambulance, additional staffing, additional days, the community benefit the board may determine is-- you need to do an addition to our ambulance barn and, you know, it's something we're thinking about.

I'm not talking about-- I'll leave it at that. I'm on thin ice."

Ronald DeVito: "And if asked, I will listen with open ears."

Supervisor Walter: "Thank you, sir. Mr. Archer, were you done?"

Keith Archer: "Yes, Mr. Supervisor. Thank you very much."

Supervisor Walter: "Okay. Does anybody else wish to be heard on this? Yes, Miss DeVito, we'll get you after, Mr. Oxman."

Robert Kozakiewicz: "Do you solemnly swear the testimony that you are about to give is the whole truth and nothing but the truth, so help you God?"

Angela DeVito: "Yes, I do."

Robert Kozakiewicz: "Thank you."

Angela DeVito: "Good afternoon and thank you for the opportunity to comment on this proposed-- "

Supervisor Walter: "Angela DeVito for the record."

Angela DeVito: "Yes. And I'm not related to Mr. DeVito. We may all look alike, but we're not.

As I went over this, the proposed zone use district changes for this afternoon, I was sort of confused and wondered about who really crafted the document.

If I put aside all of the curiosities of language, grammar and punctuation that didn't make sense, I was struck by a disconnect between the stated purpose at the beginning and as well as Mr. Dunleavy's purpose here and the ensuing regulations.

Article 23 wants to permit construction of high density living accommodations for older persons and disabled individuals. Not all disabled individuals are over 55. And if indeed the town at this particular point is going to begin looking at land use management and zoning district regulation planning with regard to the needs for health services within the town for the entire population, it would seem that this, although it is focusing on retirement community, is a very, very narrow scope and something needs to be expanded there.

I know that the town within this intends to significantly restrict where these facilities can be. And I fully understand and appreciate that zone use district regulations are enacted for just that purpose.

But basically I do hope that when you plan future sites for health care services provision, whether it be assisted living or full scale skilled nursing facilities, that a bit more land use management and planning would be evident.

There have been people before me as well as comments here from the board this afternoon on the various sections, the many questions that are still there and I believe they support my conclusion which I'd like to share with you. Is that at this particular point, I think this proposal should be put aside so that all of the people you have spoken with, and I'm sure the town board has been very diligent in reaching out individually to various groups.

I know you mentioned, Mr. Walter, speaking with Peconic Bay Hospital, but bringing them all together. So that all of the questions that have come up this afternoon, those that Mr. Cuddy raised, those that members of the board here have raised and others, can be taken into account when you finally craft the sort of

regulation that you wish to have for zone use districts that will allow for health care providers to establish various levels of non in hospital services for them.

And I also know and appreciate that the thought of re-thinking and backing up. As Mr. Densieski always used to say, you know when we analyze too much, we paralyze and then we don't do anything. There is a real kernel of truth in that.

However, it isn't an appeal on my part to have you delay any process. It's basically- "

Supervisor Walter: "I think we're going to recruit you to be on the working group, that's what I'm hearing from this."

Angela DeVito: "Well, no, you know, I am a health practitioner with 20 years work experience."

Supervisor Walter: "Are you really?"

Angela DeVito: "Yes."

Supervisor Walter: "Oh, I didn't know."

Angela DeVito: "I have a Masters in public health. So I'm familiar with the significant negative impacts that poor planning can have on the provision of health care services in communities.

For decades here in Riverhead, it's not your charge, it's not your- falls in your lap. We've had fairly much helter-skelter planning even with a comprehensive master plan, it's been helter-skelter. We take one type of area and consider it and then we look at another issue and consider it and what I'm asking is that in stating that the health care of our town residents is too precious an item to allow some very superficial or helter-skelter planning to do.

I would like to ask you to give us the best gift that you can give us and the best governance that and that you take the time to carefully plan future health care services and speak with all of the stakeholders together that are here. All of those individuals who can help assist you with the questions that you have raised.

I don't expect any one of you up there to have all of the

answers, to know all these things. Speak with the experts from Peconic Bay Medical Center, they certainly have spent a lot of time in developing what they wish to do and see where we're going to be with as was mentioned by Mr. Zappulla about having 2,000 senior families. I mean I'm one of them -- what's going to be here-- "

Supervisor Walter: "You've got a long way to go. Come on."

Angela DeVito: "-- in the future. So those are my comments and I would hope that we move in a bit more prudent manner on this at this particular point and don't cut us off with the 10 day comment period and that's it."

Supervisor Walter: "Well, I think we're going to hold it for written comments for 10 days because I think there's some issues, one with the ambulance-- the community benefit that I talked about. George raised issue-- I mean I used the word ratio but I think you-- "

Councilman Gabrielsen: "Yeah, percentage of, you know, what's independent and what's assisted. (Inaudible)."

Angela DeVito: "I think there's a lot more definition and understanding that needs to be there and we also need to do, you know, whenever you set out to provide for and with any community, a health care service at whatever level it is, it's based on what you see as a needs assessment and I am not aware, and it doesn't mean anything if I am not aware of it, but if that indeed has been done, other than knowing-- we have a lot of seniors, yeah, we do."

I live on a block where-- "

Supervisor Walter: "Well, (inaudible) a need assessment. I met with members of Peconic Bay Medical Center, talked about it. It was interesting because when-- my first meeting with Andy Mitchell (phonetic), he came in, he says what's your plans for Peconic Bay Medical Center. I said what do you mean? He said well this town has-- we're the largest employer. I know that you were, the school district, but you're not anymore. We're the largest employer in the town so how-- what are you doing for Peconic Bay Medical Center as the largest employer in the town to plan around us. And we opened up the master plan and the town code and we quickly came to the realization, well nothing."

And this is one of the things that he mentioned. There's other issues, parking issues. There's issues of medical-- we've done a good job with medical corridors, I think, but maybe not. Everything we need to do. So did we do a needs assessment? No. I spoke to Andy Mitchell. I said you're not doing what we need. So we're working on it but-- "

Angela DeVito: "It is what is reflected in terms of what is actually the volume of people that need assisted care and what is the spectrum of the assisted care that they need. There are some individuals as have been described by Mr. Dunleavy who, you know, they live and they go out and they just need someone for example who comes in and helps them clean, okay, or helps them dress. But they go out.

And then there are others who are in assisted living who need a bit more. So we really have, I don't think, any handle on that and, hopefully, the census-- information from the census will help us a bit with that. I'm not sure if it would."

Councilwoman Giglio: "I believe that the applicant that's before us today has done this on study on what the needs of what the town of Riverhead are and he's e-mailed that information to the board members of most of us anyway. They've done a study.

But what I would like to do. There's--"

Angela DeVito: "It's not for seniors, Miss Giglio, it's not for seniors only. There's a whole population out there."

Councilwoman Giglio: "I'm sorry, you're right. It's like we had the conversation when I broke my leg and I needed a place to stay to have assistance.

I agree with you. I know that there is an immediate need in the town of Riverhead and I would just ask the Supervisor not to close the public hearing because if there are changes after we all sit down together, we might be able to come up with something that will work for everybody to satisfy the immediate need that our residents have in order to be placed in these types of facilities.

If we don't close the public hearing and we leave it open, then we can come together, we can sit, we can talk at a work session, we can come up with a plan that will work for all of the residents of

the town of Riverhead without having to re-publish and post and have another public hearing which is a lengthy time period for that to occur before we actually come up with legislation that will work.

So I would recommend that we leave the public hearing open until we can come together with a plan that works."

Supervisor Walter: "You realize that would mean that every board meeting we would-- every board meeting we would have to open the board meeting at 2:05 with this public hearing."

Angela Devito: "But I think more of what I am looking for or towards is not too much with this particular proposal which is really just geared toward seniors 55 and over, okay. But is the fact that is we look at as was pointed out, there's very few parcels of land available that are accessible to mainstream services that's been described or as desirable, that if they all get eaten up with over 55 services, what's going to happen to the under 55 services, where are they going to be?"

Those are going to be people who will have to leave their families, who have to leave this town to secure those services.

So all I'm suggesting is that we step back and look at the entire picture and not just a snapshot of it, one aspect of it."

Councilman Dunleavy: "Angela, this is not for taking away from nursing homes or anything else-- "

Angela DeVito: "I understand that."

Councilman Dunleavy: "-- when people need rehabilitation. And that's what you're talking about, rehabilitation. This is for-- and I have to ask Ann Marie because she can answer this question later on in this hearing. We were talking about 62 and older, not 55. We didn't want another 55 and older community, we have enough of those in Riverhead. We have 12 of them in Riverhead-- "

Angela DeVito: "Well, your proposal says 55."

Councilman Dunleavy: "We were looking for the seniors to go someplace after that, at 62 and over."

Angela DeVito: "I understand and I applaud that."

Councilman Dunleavy: "That was the intention when we were talking about was to help the seniors. Of course, there's a lot of medical stuff we have done with younger people, rehabilitation and that stuff. But that's not what assisted living facilities do around the United States. Most of them are for senior care."

Angela DeVito: "Well, the thing is that you maybe- maybe we can be the vanguard breaking ground, new concepts in public health."

Councilman Dunleavy: "That's all I'm saying."

Angela DeVito: "Thank you very much."

Supervisor Walter: "All right. Thank you. Well, I'll tell you what. You're right. It's really 62. It wasn't supposed to be 55. Mr. Oxman. If you could raise your right hand."

Robert Kozakiewicz: "Do you swear that the testimony you are about to give to be the whole truth and nothing but the truth so help you God?"

Larry Oxman: "Yes, I do."

Robert Kozakiewicz: "Thank you."

Larry Oxman: "Larry Oxman. This has been a long time coming and ever since the master plan was adopted in 2003, I guess, John, you're probably the senior member on the board, and I know that this has been something that you've been trying to do since you've been on the board. So I commend you for finally, and the board, for finally trying to make this- to codify this."

I do have several comments. When it comes to- it's not only for the residents of Riverhead right now, it's also for the parents of residents of Riverhead and the surrounding area. And from personal experience, my mother-in-law who lived in White Plains after her husband passed away moved down to Long Island to the Manorville area to an adult community and it became apparent relatively quickly that that was not for her. So we went out to find an assisted living facility and actually I was quite surprised that there really weren't any out here.

There was one out in Greenport and she's now in Islandia. There was a new facility in I believe Medford but based on her

income she didn't qualify. It was-- you had to earn below what her income was. So she's in Islandia. It's not too bad for us but it would certainly be welcome to have more facilities like that in this area.

Some technical questions. It's my understanding that I guess the intent of this-- Mr. Cuddy spoke about the RC, the retirement community zoning and what it allows as of right today. It was my understanding that the intent was if you had 30% of the units being geared toward assisted living or skilled nursing, that there was-- that you were allowed to have an increase in density for independent living units.

So I thought you can still do it under the old code the way it was but if you wanted to do assisted living, there was-- you could do a higher mix for independent living, assisted living and skilled nursing.

It brings me to a point about density. The facility that my mother-in-law was in was actually an old hotel that had been converted. And I'm not sure why we're necessarily getting caught up on the number of units per acre versus just talking about a floor area ratio.

So in the current zoning it allows for I believe a 20% coverage. So why not consider this more like a hotel because very often the assisted living facilities are hotel-like. They don't have cooking facilities, they have large common areas, dining rooms, recreational rooms, beauty parlors, whatnot.

If you deal with it much more like a hotel and however, you know, you have a minimum size unit, however many you can fit in. So if you can, you know, 20% coverage, if you have a 15 acre piece, that's three acres. So three acres would be the building. If you have 12 acres-- well, you probably have several acres for parking, but probably 10 acres of that would just be open space for hiking trails, passive recreation, horses, whatever, farming.

So I think that you really might consider getting away from the number of units per acre and looking at floor area ratio."

Supervisor Walter: "I think that's a really interesting point because when you get down to the number of units, the ratios and everything, I don't know what works and what doesn't work.

But if you're building a hotel you're dealing with FAR, you're going into a community in my vision it wasn't really many single family houses, it was more commercial building like a hotel and, you know, you go in and some people have kitchens and some people wouldn't have kitchens and some people would just be in a room with, you know, round the clock nursing care but not a nursing home. Then we'd ship them off to Andy Mitchell if they had to go to the nursing so Andy would say he took care of us."

Larry Oxman: "So that's one concept. I'm also concerned about the necessarily having to tie in- if I read the way the zoning is being proposed, it seems that you must tie into the sewer district and if you go back to the master plan, the master plan spoke about this type of housing being near the individual hamlets, whether it's Route 58 or you know it sounded like, Sean, you were not in favor of it going to Jamesport or some of those areas, but at least that they were near commercial nodes.

But the question is, what if they can't tie into the sewer district. There's all sorts of debate whether the sewer district is at capacity, if it's not at capacity. So if you had it either the option of being in the sewer district or being approved by the Health Department because they're not easy to, you know, to get an approval either, so it has to be of a certain size for a sewage treatment plant to work, you might consider that it's either/or.

So you may want to have it geographically near the hamlets within a certain amount of distance but I'm concerned about it necessarily having to be in the sewer district."

Supervisor Walter: "Yeah, I think my thought concept was kind of along your commercial concept and when you think commercial, I think sewer district. I never really considered single family homes in this but that's how it turned and that's what we're having a public hearing on."

Councilman Dunleavy: "Yeah. My concept was not single family homes. It was like you were talking about, more like a hotel for assisted living. So people from single family homes can come there and be still in the same community that they started with.

So I think- and that's why we were talking about 62 and over and not 55 and over. And I think you're right and I think we have to look at what the Health Department can put up with and what they

can approve to see where the assisted living- because I know this town needs not one, it needs more assisted living to help our community and I think what we're trying to do here is crawl before we can walk or run and get something so we can start something and then build on that. That was my plan."

Supervisor Walter: "I would agree."

Larry Oxman: "Again, with some of the language, when it talked about under 108-118A uses, it said at least 30% of the residential units or accommodations shall be designated or dedicated to intermediate or chronic care. That's the only mention of the word intermediate or chronic care in the entire code.

It doesn't tie into what I believe what you want to say, is assisted living or skilled nursing. So when it comes to being precise in the definition so that a developer will completely understand what is permitted, that that should just be clarified.

Also, this is going to be treated- an application is going to be treated as a site plan. I believe that that's what it says but I'm not sure. Again, if you're talking about independent homes, is it a subdivision, is it not a subdivision? Is it site plan approval? That would be a question that should be clarified. Again, I believe that it's site plan approval.

Those are some of my comments. I think that this should be done sooner than later. I think it is a dire need for the community. So I would encourage an ongoing dialogue and get this thing done."

Councilman Dunleavy: "Thank you."

Larry Oxman: "Thank you."

Supervisor Walter: "Does anybody else wish to be heard on this?"

Councilman Dunleavy: "Can I ask Ann Marie to come up and- "

Supervisor Walter: "Sure."

Councilman Dunleavy: "Ann Marie, thank you. Maybe you can

shed some light on my question and on questions that were posed here when this was written."

Ann Marie Prudenti: "Well I think you were going to ask me first about my error with respect to age 62, planned retirement community. That's an error. It should be 55. (Inaudible)

But just to try to (inaudible). Mr. Cuddy brought up the point and he made inquiries you know was this designed for a specific piece of property? And the answer to that is no. You actually look at the legislation and the master plan, the residence community district which existed in 2003 when we were looking at adopting the master plan, it actually included a provision that the town consider within the residence community district expanding that for a continuing of care situation.

Councilman Dunleavy and I often refer to this as assisted living but what it really is, is designed for or written for is the (inaudible) of care. So you move from the independent to the assisted and throughout the stages of your life depending on your demands and your needs and it's designed all to be within the very same community.

Next there was a question Mr. Cuddy raised with respect to well, what could potentially prevent someone from building simply just the independent units. Well, the way it's worded is you only get that density, the defined density, if you have a required minimum of 30% of assisted living units and that occurs in two different sections.

Mr. Oxman just mentioned you know the phrase intermediate care. If you actually look in the definition of the uses, it talks about intermediate care and in that is a laundry list which includes assisted living, skilled nursing care and the like.

Next there was an issue with respect to the transfer of development rights. In the original retirement community zone district, you could obtain additional yield with the transfer of development rights and I'm saying it very simply, we could all read it for ourselves.

The difference here with the continuum of care type community is under the zoning throughout the town the minimum square footage for a residential home is 1,200 square feet. That's the minimum.

If you look at the master plan in 2003 which went through all the census data, they talk about the construction of homes, it's 3,000 square feet and over.

So what Councilman Dunleavy and I actually did was we contemplated how could we meet the requirements of a continuing care community as contemplated by the master plan and what the idea that Rick and Councilman Dunleavy came up with was well throughout the code the minimum square footage for a home is 1,200 square feet, in this instance the maximum is 1,200 square feet for independent living.

Unlike other retirement communities throughout the town, we do not have limitations on the square footage. They could build three, four bedroom units, "X" number of bathrooms. In this instance, the square footage is limited.

And so for the independent living unit, the maximum is 1,200 square feet. For assisted living, I believe it's 1,000 and somebody brought up they desire flexibility in the minimum and they mentioned 350 square feet.

In this proposal, it's 400 square feet. So we're not far off in that number.

And with the convalescent care, I believe the maximum may be 600 square feet.

So we tried to use those numbers and test them against lot coverage and Rick and I opined that after writing the number several times, that that would meet the goal of the master plan and be providing this type of community to the town.

Age 62 is my error in the redraft of that portion of the planned retirement, it should reflect age 62.

Next I'll just-- several people had talked about you know the demographics and why and Councilman Dunleavy has been a proponent of this for quite a number of years and when we were talking about it and we went through the master plan just to report that in 2003 it was reported that nine percent of the population in Riverhead was over the age of 65. Again, nine percent at the same time was between 65 and 74 years old.

During that same period of time, the majority of the population was between the age of 35 and 64. Hence it's anticipated that now and in the future and for several decades we- the town of Riverhead will require this type of facility.

I think I've answered everything."

Supervisor Walter: "We have to figure out how to take care of the impact to the ambulance, too."

Councilman Gabrielsen: "Ann Marie, I have a question also. So 30% would be assisted living, and you're saying 70% could be independent living?"

Ann Marie Prudenti: "Could be. Could be."

Councilman Gabrielsen: "Right. The potential is here."

Ann Marie Prudenti: "Correct. But the minimum- in order to have that density, a minimum must be 30%."

Councilman Gabrielsen: "I would hope it would be more because it would address our problems better if it was higher."

Ann Marie Prudenti: "You know, I will tell you Councilman Dunleavy and I have talked about this quite a bit and we each independently visited several different continuum of care facilities and I will tell you actually that this proposal is probably more restrictive than in other area, other states.

And the goal is and the philosophy is behind the continuum of care that's expressed in many of these communities is that actually the well being of the senior is enhanced by being in the community that has all these services and amenities right on site.

And that their lives are prolonged and their health is increased and that the assisted living component really only comes into play as the seniors climb and unfortunately at some point in time, they are no longer with us. And so then the independent unit will become available and it's designed so that individuals actually move through the facility."

Supervisor Walter: "Does anybody else have any questions?"

Councilman Gabrielsen: "I know that someone brought up the point before that if we bring others from the outside in, that number is not going to work. That 70/30 works within the facility but the question was can we bring somebody else in there and that will change the statistics. So maybe we could look at that number a little more."

Ann Marie Prudenti: "Well, at some point in time— right, at some point in time it has to be— the developers objected to meet the demands. It's their— you know, while we— the town as a planner want to meet the needs of the people, the objective of the developer to actually meet those needs and market the product or the units properly, you know— I don't know that the town should mandate the exact number of units or can— the demographic is what works."

Supervisor Walter: "I have a question for the applicant— well, it's not really the applicant but, Mr. DeVito, could I ask you a question?"

Ronald DeVito: "The microphone, please."

Supervisor Walter: "Is this going to be a not for profit tax exempt facility?"

Ronald DeVito: "No."

Supervisor Walter: "Are you seeking IDA tax exemptions?"

Ronald DeVito: "Yes, I am."

Supervisor Walter: "Okay. Thank you."

Ronald DeVito: "I'd just like to mention one other factor here in response to Mr. Gabrielsen's question (inaudible)."

I am to be honest waiting to get more information from the 2010 census and that may create a need for more of one portion of this than another. So, yes, we have had— Miss Prudenti is absolutely correct.

It would be very foolish of us if we saw a need and didn't design our facility to meet that need so that I'm waiting to get a good look at the 2010 census data to see if I should change our proportions of different types (inaudible)."

Supervisor Walter: "My opinion— I don't say my opinion, but I think following on what Councilman Gabrielsen was saying, the 100 independent versus 50 or 60 and 24 assisted doesn't seem to work in my mind given the demographics of this town and 11, 12 senior— and can this project work if we do go forward with it."

I mean this is not specific to you. It's for the town. So I want to say that. But can this project work if you reduce the independent— I'm throwing a number out there, but 50, and increase the enriched and the assisted. Can it still work?"

Ronald DeVito: "It could be depending on the demographics. But I also take a view of Peconic Medical Center (inaudible). This facility that I'm doing doesn't have a strictly 24 hour— because we—the community already has one I think that's very well operated and I would refer— if somebody needs that much care, I would (inaudible) Peconic."

So it really is an extension of the dynamics that I'm using and that kind of facility relieves us of the need to have a typical nursing home environment within this project. We would work in conjunction with Peconic Medical Center to utilize that facility for people who need to go beyond what I provide."

Supervisor Walter: "I see you as an— I see this type facility rather as a tremendous asset. We need Peconic Bay Medical Center to keep growing and expanding and becoming a five star facility in every aspect that they do and this is one of the things that may help feed patients into the facility and it does— it all seems to work together."

Does anybody else wish to be heard on this? Mr. Israel."

Richard Israel: "Hi guys, Richard Israel."

Supervisor Walter: "Raise your right hand."

Robert Kozakiewicz: "Do you swear that the testimony that you are about to give will be the whole truth and nothing but the truth, so help you God?"

Richard Israel: "I do. I've read through this a little bit kind of not having an understanding. Charles talked about a light care facility which I kind of know from from Greenport, Peconic

Landing, where a person actually comes in. They buy a unit and they slowly go through the progression of the rest of their life. They know that they have a place to go each and every step of the way.

And then I hear other sides of the town board talking about well if I'm living in Saddle Lakes and I no longer can keep my wife in my home with me does she move to this facility? And I'm questioning what is she at this facility? Is she a temporary patient? Is she there for the rest of her life? What's being proposed here? Is this a rehabilitation center. Like Jodi said, well, I broke my leg, and I needed help for a week or two with rehabilitation and the like. So is this a rehabilitation center where a person can get those facilities?"

Supervisor Walter: "I don't think so. I think it is when your wife can no longer live with you, and Mr. DeVito I'll let you step back up, that she would move into this facility and then maybe eventually you'd move into this facility and that's where you would reside until the end."

Richard Israel: "So it seems that- "

Supervisor Walter: "Or Peconic Bay Medical Center."

Richard Israel: "Okay. So it seems that you are very broad in your uses which is the first time I've ever seen that in our codes. Our codes are usually very particular, A, B, D, E, F, G.

I think what I'm hearing here is that we are in need of assisted living. I can no longer live on my own. It seems that this is proposed that I can't make my own meals anymore or I want to be watched that at least I'm eating my breakfast, lunch and dinner.

So to me that's equal to the assisted living homes that Larry talked about to say they're kind of like a hotel setting, a person has their own room, and moves on."

Supervisor Walter: "That's what our goal is."

Richard Israel: "So I'm surprised that we just don't call it what it is. That we are going to zone for assisted living and assisted living is this. We have so many square feet, we do have meals, we do have some care. I think as that level of care gets more and more intense, there's a question of whether that person

should remain in that facility or not.

I'm trying to understand is this a place that you own or you're just there as a renter?"

Supervisor Walter: "That was a question, too, ownership, and we'll ask Mr. DeVito to come back up."

Richard Israel: "Right. Because Peconic Landing is like we talk about single family kind of separate condominiums here, do they-- from reading the zone, they don't get a kitchen either so it means every day I walk to the main body of the thing and get my breakfast.

So it's not giving anybody any independent living. It's all assisted living. And when a person does need that care and it is very important, I think we try to create a facility for just that. And those are facilities that maybe when it comes to density, we don't need an acre for every room in that facility and that's why it gets broken down the way it does, but you know, Riverhead has always been a place where you want to do a particular thing, you're allowed in this zone, you're allowed to do this. These are our rules.

I don't see that at all in what's been proposed here. And that you call it a retirement community I think you're off base and really what I think everyone here is trying to achieve and I think if you were to call it what it is, assisted living, it would take out all the other questions of hey, is this a nursing home? Is this a this? The answer is no. This is assisted living.

There's probably a very good general definition out there of what it is, you know, that they provide a particular amount of services."

Supervisor Walter: "I don't know that there is because this is the culmination or a crafting of several other people's codes into this, so-- "

Richard Israel: "Well, there's plenty of facilities as we know them across the country and even on Long Island and I'm sure they have their limitations and the like. So I think it's very important that we don't make this thing become so general that a person all of a sudden there's, you know, we're talking about these percentages of whatever.

I think we're looking here, I think just to create if that's what I think I'm hearing, is an assisted living facility where a person can no longer live on their own. Their spouse or their family can no longer watch them 24 hours a day. Someone has to go to work. These are the facilities we're looking to build, not one that has hospitals in them or take away nursing beds, skilled nursing, you know.

There's a lot of definitions thrown around in here which scare a lot of people."

Councilman Dunleavy: "I think you're right, Mr. Israel. And when we were first looking at this, that's what we were looking at. Okay? But I guess when you start writing codes and I'm not a code writer, I just sit here and listen and try to put my two cents in, that it widens out to where- "

Richard Israel: "(inaudible) on Route 58 where the shopping center is this versus to that."

Councilman Dunleavy: "Sometimes the real need where it started gets put on the back burner and we widen it out and now you get confused with everything else. And I think you hit it right on the nut when you said let's call it assisted living, let it be an assisted living and not another senior community where I can go buy a single family house and live there and then move.

And I agree with you. I think that's where my intention was when we started this."

Supervisor Walter: "Could I- "

Richard Israel: "Right. And you'll see those other- sorry, Sean, but those other life care like Peconic Landing, there's all the fears of do they become tax exempt. Really what are they giving to our community, you know, if they do become tax exempt in this."

Councilman Dunleavy: "But I think you also have to look at, and I'm not a developer. I don't know where the developer- can he make money with just an assisted living? I don't know that. Does he have to add this stuff in so the developer then can make money?

That's not my (inaudible) or I don't know anything about that."

Richard Israel: "And the answer is they already exist as just being assisted living so somebody is making money."

Councilman Dunleavy: "So that's it. Thank you."

Supervisor Walter: "All right. I think we've gone the gamut. Just, Mr. DeVito, if you could just tell me do people own these residences or is this purely a rental or a license or how- what is the- "

Ronald DeVito: "My particular type of project is purely rental."

Supervisor Walter: "Okay."

Ronald DeVito: "It's designed for people who no longer want the burden of home ownership and want just to rent."

Supervisor Walter: "Okay, that's it. That's all I had."

Ronald DeVito: "And just one more thing I think might help to clarify it some."

In New York State you can't be an assisted living residence which is a particular thing unless you are a licensed adult care facility. For years, and in almost all of the states, the phrase assisted living is a consumer phrase. So in the various states there are mixed housing programs, adult homes, adult care facilities. They are all assisted living residences.

That's the- they really all are assisted living and they all have to be licensed. The only deviation from that is independent living. And the reason we do independent living is because the higher levels of care become very expensive because the ratio of residents that can be helped by a single employee for example, are regulated by the state and so more people are involved for the higher levels of care and the cost goes up.

What we do, and the reason we mix in independent living is because the upgrading margins for that, there not being any need for care, are so good that it helps us subsidize the other more expensive units to make them affordable. And without that mix, it would be very difficult to make those, the high levels of care, very affordable. And that's the purpose for the combination."

Supervisor Walter: "So the trick for us is to get the balance."

Ronald DeVito: "That's correct."

Supervisor Walter: "All right. Does anybody else wish to be heard on this? I am going to close the public hearing and leave it open for written comment because I think what we have done here has probably not made it-- this isn't going to get adopted. This has to be tweaked and massaged and I think there's some things that need to be done here based on this public hearing.

What I'd like to do, Ann Marie, if we could-- I know Angela DeVito said that she had something, but Mr. Zuckerman, if you could assist us or maybe somebody at the hospital could assist us. I know Mr. DeVito has assisted us.

Maybe let's put together a small working group to see-- we want this to work. We need this. So let's put together a small working group. We'll leave it open for 10 days for public comment.

I need somebody from the ambulance corps whether it's Keith Lewin or Bruce Talmadge to be part of that working group because I cannot over burden that ambulance corps any more than we have.

And we'll close it out for now and it's going to be-- we'll leave the public-- close out the public comment portion today, leave it open for written comment until the 15th at 4:30 in the town clerk's office of April, and I think we'll probably have a slightly changed product here and we may have to go to public hearing again. I'm fairly certain we will."

Public hearing closed: 3:46 p.m.
Left open for 10 days for written
comment to April 15, 2011, at
4:30 p.m.

Supervisor Walter: "All right. Thank you very much. That was-- "

Councilman Dunleavy: "I just want to thank everybody that came out. I think this was a very productive public hearing where everybody had their input and I think we've learned a lot from this public hearing. So thank you."

Public hearing opened: 3:47 p.m.

Supervisor Walter: "All right. Two twenty having arrived and left quite some time ago, we are going to open the third public hearing.

It's the consideration of a proposed local law to amend Chapter 52 of the Riverhead town code entitled Building Construction, Article II green building standards for town owned buildings.

This is a code provision. We have to rebuild the building department next door and this is a provision of the code that is going to allow us a little bit more flexibility in reconstructing the building department while still being green.

Does anybody wish to be heard on this matter? There not being anybody, let's close the public comment portion of the meeting and leave it-- oh, we're not going to leave it open because we're time sensitive.

Is the adoption resolution in here? Okay. We're going to close the public comment and the written comment, this is a time sensitive issue and we'll probably adopt at the next town board meeting. If there's something substantive that somebody wants to tell us, they can tell us at the next town board meeting."

Public hearing closed: 3:47 p.m.

Public hearing opened: 3:48 p.m.

Supervisor Walter: "Okay. Two twenty-five having arrived, the consideration of a proposed local law to amend chapter 45 of the Riverhead town code entitled Alarm Systems, Section 45-3 permit required.

This is not quite a housekeeping but the town clerk was charged with was it collecting the funds-- permits and the police department is going to-- let's see, the police department are going to have the authority instead of the town clerk and-- for issuing the permits.

Does anybody wish to be heard on this? Okay, well we'll close the public comment portion and leave it open for written comment to April 15th at 4:30 in the town clerk's office."

Public hearing closed: 3:49 p.m.
Left open for 10 days for written
comment to April 15, 2010, at
4:30 p.m.

Supervisor Walter: "Now, does anybody wish to be heard on resolutions? There being nobody, Diane, let's take up resolutions.

Oh, Chris- "

Councilman Dunleavy: "I wish to make a motion we close the town board meeting and open the CDA meeting. So moved."

Councilman Wooten: "Seconded."

Supervisor Walter: "Moved and seconded. Vote please. We're closing it."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes."

Meeting adjourned

Meeting reopened

Supervisor Walter: "Okay, Diane. I guess the first one is 219."

Resolution #219

Councilman Wooten: "21st Century Oncology sewer extension capital project budget adoption. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #220

Councilman Gabrielsen: "77 Kay Road, Chapter 54 budget adoption. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #221

Councilwoman Giglio: "2011 Stotzky Park capital improvement project budget adoption. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #222

Councilman Dunleavy: "Amends town board resolution #105 Department of Justice J.A.B./youth grant. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #223

Councilman Wooten: "New well construction for plant 17 budget adjustment. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #224

Councilman Gabrielsen: "Extends bid contract for well and pump testing for the Riverhead water district. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; "Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #225

Councilwoman Giglio: "Grants excavation permit as provided by Chapter 62 to Browning Hotel Properties, LLC. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. We're going to get \$28,000 for his excavating so he can put his hotel there. So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #226

Councilman Dunleavy: "Awards bid for fertilizer and lawn chemical bid. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #227

Councilman Wooten: "227 corrects Resolution #113, awards bid for street light and traffic signal repair parts. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #228

(Inaudible discussion)

Supervisor Walter: "Right. This is right. This is the-- authorizes the town clerk to publish and post a notice to bidders for Jamesport town beach boardwalk and pavilion replacement project."

The question, where's this money-- is this coming from East Creek?"

Councilman Gabrielsen: "I kind of thought it was. Okay."

Authorize the town clerk to publish and post a notice to bidders for the Jamesport town beach boardwalk and pavilion replacement project. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. Seeing this is attached to East Creek, we could use that money for-- to renovate the beach. So I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #229

Councilwoman Giglio: "Ratifies the transport of the 1989 Hydra-sport to Suffolk County police department's marine bureau. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #230

Councilman Dunleavy: "Authorizes attendance of one police department employee to NY/NJ regional fugitive task force practical training. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #231

Councilman Wooten: "Appoints a temporary part time recreation aide. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #232

Councilman Gabrielsen: "Appoints a temporary part time recreation leader. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, abstain; Walter, yes. The resolution is adopted."

Resolution #233

Councilwoman Giglio: "Reappoints member to the planning board of the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #234

Councilman Dunleavy: "Ratifies the appointment of the chairman of the planning board of the town of Riverhead. So moved."

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #235

Councilman Wooten: "Reappoints member to the zoning board of appeals of the town of Riverhead. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #236

Councilman Gabrielsen: "Ratifies the appointment to the chairman of the zoning board of appeals of the town of Riverhead. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #237

Councilwoman Giglio: "Appoints a seasonal pump out boat operator. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen."

(Some inaudible discussion)

Supervisor Walter: "I don't know that we- is this returning pump out boat operator?"

Councilman Gabrielsen: "I don't think so. Somebody new, okay."

(Some inaudible discussion)

Supervisor Walter: "Where are we, Diane?"

Councilman Gabrielsen: "Yes."

The Vote (Cont'd.): "Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #238

Councilman Dunleavy: "Authorization to publish advertisement for diesel fuel for use by the town of Riverhead. So moved.

Councilman Wooten: "Second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #239

Councilman Wooten: "Appoints a call in beach manager to the recreation department. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution is adopted."

Resolution #240

Councilman Gabrielsen: "Appoints call in personnel for the Riverhead youth bureau/recreation department. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #241

Councilwoman Giglio: "Extends special permit of Hampton Jitney, Inc. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #242

Councilman Dunleavy: "Authorizes supervisor to execute agreement with Suffolk County Police Athletic League for referee/umpire services for town of Riverhead Police Athletic League boys lacrosse. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #243

Councilman Wooten: "Authorizes the town of Riverhead to direct George Atkinson to remove all litter, garbage/refuse, rubbish, yard waste, weeds, noxious plants, grass and/or rank vegetation in excess of 10 inches in height upon the premises known as 852 Roanoke Avenue, Riverhead, New York 11901 d/k/a SCTM #0600-107.00-02-037.00 pursuant to Riverhead town code Chapter 96. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #244

Councilman Gabrielsen: "Adopts a local law amending Chapter 26 entitled Officers and Employees of the Riverhead town code Article III and Article IV. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes;

Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #245

Councilwoman Giglio: "Authorizes the supervisor to execute an agreement with Barist Elevator Company, Inc. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #246

Councilman Dunleavy: "Authorization to publish advertisement of a request for proposals for an updated market survey for reuse and revitalization of the former naval weapons industrial reserve plant (NWIRP/ERCAL). So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #247

Councilman Wooten: "Approves Chapter 90 application of the American Cancer Society (dog walk to fight cancer - April 10, 2011). So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #248

Councilman Gabrielsen: "Authorizes the supervisor to execute

professional services agreement with Albrecht, Viggiano, Zureck and Company, P.C. (AVZ) for audit services. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, no; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #249

Councilwoman Giglio: "Authorizes town supervisor to execute a change order No. 1 for Grangebél Park improvement project 2010 #0759.14. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Wooten, I'll say yes; Dunleavy, yes; Giglio, yes; Gabrielsen, yes; Walter, yes. The resolution is adopted."

Resolution #250

Councilman Dunleavy: "Authorizes the supervisor to execute an agreement with an employee. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, no; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #251

Councilman Wooten: "Authorizes town clerk to publish and post public notice to consider the renaming of the southern portion of Horton Avenue, a town of Riverhead Road, to Caffrey Court. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #252

Councilman Gabrielsen: "Approves Chapter 90 application of Church of the Harvest (sunrise service/Easter egg hunt). So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #253

Councilwoman Giglio: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles & Traffic of the Riverhead town code, Section 101-10, parking prohibited. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #254

Councilman Dunleavy: "Supports the increase of county bus fare and the implementation of limited Sunday bus service. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #255

Councilman Wooten: "255 supports the increase of county bus fare on two routes for the implementation of limited Sunday bus service. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #256

Councilman Wooten: "Establishes date of annual Riverhead litter awareness and clean up day, April 30th. So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy."

Councilman Dunleavy: "Yes. And I just want to re-emphasize what Councilman Wooten said before. We need all the help we can so anybody out there that wants to help us pick litter up can come down and join us on April 30th and where are we meeting? Right here at town hall.

So please be there.

I vote yes."

The Vote (Cont'd.): "Walter, yes. The resolution is adopted."

Resolution #257

Councilwoman Giglio: "Authorizes attendance at the 2011 New York State town clerks association annual state conference. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio."

Councilwoman Giglio: "I'd just like to say that this is giving the town clerk permission and she's willing to share the cost with us to go to this state conference where last year when she went, she learned of several grant opportunities that she was not aware of."

And I think that education is very important and it saves the taxpayer money in the long run. And I'm glad that she's going and I hope that she's as successful as she was in saving the taxpayers money with minimal expense.

I vote yes."

The Vote (Cont'd.): "Gabrielsen."

Councilman Gabrielsen: "I just want to be consistent and I understand and I'm not picking on you or anyone else, but I don't think the town really can afford when people (inaudible) put fuel oil in their tanks, send somebody off on vacations."

And I also want to point out once again like I say it's not aimed at you, this can be done on line, no question about it."

Councilwoman Giglio: "Well, you did vote yes for the \$150 for the police. You did."

Councilman Gabrielsen: "Did you vote?"

Councilwoman Giglio: "Yes, I did."

Councilman Gabrielsen: "So I'm going to vote no."

The Vote (Cont'd.): "Wooten."

Councilman Wooten: "I just like to be real consistent and, yes."

The Vote (Cont'd.): "Dunleavy."

Councilman Dunleavy: "I think education and networking is very important and if you just look at our highway department for his networking, for about \$100,000 he got about \$3,000,000 worth of equipment for us sending him on trips.

And where they don't spend all the money that we give them, and they give us back money.

So to be consistent, I vote yes."

The Vote (Cont'd.): "Walter."

Supervisor Walter: "For all the reasons stated, I love you, Diane. But no."

Diane Wilhelm: "The resolution is adopted."

Resolution #258

Councilman Dunleavy: "Awards bid for troubleshooting, maintenance and repair of Foxboro equipment. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #259

Councilman Wooten: "Awards bid for hydrated lime (calcium hydroxide). So moved."

Councilman Gabrielsen: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #260

Councilman Gabrielsen: "Awards bid for corrosion control

chemical. So moved."

Councilwoman Giglio: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #261

Councilwoman Giglio: "Authorizes the supervisor to execute agreement with Suffolk County girls Lacrosse, Inc. for referee/umpire services for town of Riverhead Police Athletic League Girls Lacrosse (affiliated and part of Suffolk County PAL Girls Lacrosse). So moved."

Councilman Dunleavy: "And seconded."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Resolution #262

Councilman Dunleavy: "And it's a resolution to pay the bills. So moved."

Councilman Wooten: "I'll second."

Supervisor Walter: "Moved and seconded. Vote please."

The Vote: "Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. The resolution is adopted."

Supervisor Walter: "All right. This portion of the meeting we open it up to the residents to discuss whatever it is that's on their mind and we ask them to limit their comments to five minutes. Rex Farr, if you want to step up. I guess you're coming over."

Rex Farr: "Yeah, Rex Farr, (inaudible) Calverton. I'm here to try to find out- I'll wait 'til you get through, Mr. Walters- "

Supervisor Walter: "Go ahead."

Rex Farr: "Let me know when you're ready."

Supervisor Walter: "I'm absolutely ready. Any time, Rex. Go ahead, thank you."

Rex Farr: "Because the question is directed to you. I'm here to find out and actually I'm quite embarrassed to have to continue to come down- "

Supervisor Walter: "Don't be embarrassed, Rex."

Rex Farr: "I said almost, Sean. To continue to come down here to talk about an issue and to try to solve a problem that basically is a no brainer.

This afternoon we were privileged to hear discussions on homes for the elderly which I'm rapidly becoming one having to certainly come back down here, but in the meantime- "

Councilman Dunleavy: "As you stand there."

Rex Farr: "Excuse me?"

Councilman Dunleavy: "As you stand there."

Rex Farr: "Exactly. Exactly. I'm going to be- but there's so much that Riverhead has been doing over the last couple of years, so many important issues, that for me to be standing up here talking about the animal issue.

I'd like to know some answers. Number one, has there been any resolution to the problem with the head ACO?

Number two, what happened to the Brookhaven deal?

Number three, is there a time line?"

Supervisor Walter: "I spoke to Supervisor Mark Lesko, we spoke among out board, Supervisor Lesko spoke to his board. I think the issue and what Mark and I sort of agreed to do is wait until the fall to continue the conversations. And they are looking to try to build a regional animal shelter and it would be a state of the art

facility.

I really have to commend the News Review on- Mark White (phonetic) from the News Review. He did an analysis of all the shelters I think in the five east end towns and Brookhaven and, you know, you may not believe it, you may not want to believe it, but Riverhead has the lowest euthanasia rate in all six towns and has the lowest per capita operating costs of all six towns.

So I see that really- Mike White did a wonderful service to us because I knew we were doing a good job and now I know we're doing a good job because the proof are in the numbers.

That being said, there are weaknesses in the shelter and I think if Brookhaven is able to figure out how to put together this sort of regional facility and I think they're going to be looking at some other towns to deal with the regional facility, that we as a board and the majority of the board are interested in working with them.

It's a numbers game. We have to see whether the numbers work. But nothing is going to happen probably until November because they've got to get through the end of their budgetary year, figure out where they are, and we have to do the same.

I also had a conversation with Supervisor Scott Russell on the same issue to see whether he had any interest in doing a regional approach and at this point they're not interested. In fact, Supervisor Russell's words were we can't take your pitbulls.

So you know I don't think- I don't know that we can do anything with Southold. I think the most promising thing is in Brookhaven with this regional shelter. I'm not saying we'd close ours down.

The concept that the board- the two boards have come up with is that ours would be open for the seven day hold period. I'm sure dogs would stay there two weeks or longer and then they'd wind up going to the state of the art facility.

So that's the update with Supervisor Lesko and that actually- conversation happened at 1:00 this afternoon. The- what was the other question? Did I answer all your questions?"

Rex Farr: "No."

Supervisor Walter: "What was the other one?"

Rex Farr: "The time line for the either dismissal or moving to a different department, the head ACO, which is actually the problem."

Supervisor Walter: "Well, I mean it's a personnel issue. There are several- we had a retirement incentive and several people have put in papers for the retirement incentive and I'm not unsympathetic- "

Rex Farr: "What I don't understand, Sean, is- "

Supervisor Walter: "Can you let me finish? I'm not unsympathetic to what you're asking. It's just a question on trying to get the timing right and work everything out.

So it is moving in a direction where I think that you guys may be happy but you know we've got to put all our ducks in a row to make sure that everybody's happy."

Rex Farr: "No, I understand when dealing with civil service that we have to make sure that all the i's are dotted and the t's are crossed. But what I don't understand, Sean, is that four members of your board have given me their word that they would follow Jim's lead on recommendations for the solving of this problem, the personnel problem.

Number two, three out of those four- three out of your four board members, and I haven't confirmed this with George, but George did give me his word that he would follow Jim's lead, do not recommend that Brookhaven is a solution.

So now you're asking us- "

Supervisor Walter: "You know, Rex, that's not accurate. I'm sorry, that's not accurate."

Rex Farr: "If I asked for a show of hands as to the solving of the problem- "

Supervisor Walter: "Rex, we're not going to have a show of hands. What I can tell you- Rex, I can tell you as a fact there are three members of the board that have said that if everything works

out and we can do a partnership with- not a partnership but an inter-municipal agreement with Brookhaven to put- give our dogs the best shelter they could possibly be in without having to spend four million dollars on a new shelter, I can guarantee there's three members of the board that will do that.

But, it's, you know, it's one of these things that- "

Rex Farr: "Well, first of all, the animal community has not come to the town of Riverhead, okay, to ask for money to build a multi-million dollar dog shelter. We are simply trying to solve the problem. The problem starts at the head. The head ACO is in a job that he's not qualified for. I know he passed all these tests and I know he's a personal friend, Sean, but he lied to you.

He's under investigation in two different states. He has worked for the town of Riverhead without a driver's license and his job- let me finish, his job description is to pick up animals. Now how can you go around- "

Supervisor Walter: "Rex, Rex, Rex, Rex- "

Rex Farr: "Sean, I told you I would shut up- "

Supervisor Walter: "Rex, I am not going to discuss personnel issues. Now if the ACO doesn't have a driver's license, that will be addressed. But that's not- this is not the place, Rex."

Rex Farr: "The place, excuse me, there doesn't ever seem to be a proper place. I'm simply asking you why the problem hasn't been solved. Now only four months after he committed a crime illegally killing a dog and lying to you I might add, okay. But we've been dealing with this problem and you know because you were the town attorney under Cardinale when the committee was formed in 2005.

Again, I'm embarrassed talking about this no brainer when all of the good work that- and all of the work that the town of Riverhead has to do. Here we are talking about an issue that doesn't involve money, doesn't involve loss of seniority, doesn't involve loss of pay. What's the problem?"

Supervisor Walter: "Rex, will you do me a favor and on your way out can you speak to the police chief about- "

Rex Farr: "About what?"

Supervisor Walter: "The allegations you just made."

Rex Farr: "These were put in the paper, Sean. These are not my allegations, these were in the paper."

Supervisor Walter: "Rex, come on. If you have something significant that somebody is violating the law, not what's written in the paper, if you have something significant, you can give it to us."

Rex Farr: "I think there's a member of your board, Sean- "

Supervisor Walter: "If it is just personnel allegations, Rex, we can't- "

Rex Farr: "It's not personal, okay."

Supervisor Walter: "Personnel."

Rex Farr: "Personnel. And it's not personal. It's okay. And I think there is paperwork that not only came out in the paper that you have here in town hall that will substantiate what I just said. I'm not making allegations. And it's not the police chief's job. This is your job to solve the problem. You are the head man here."

Supervisor Walter: "Rex, it is the police chief's job if somebody is driving without a license. That's the police chief's job."

Rex Farr: "Every member of your board recommends that we solve the problem. There has been a solution proposed to you. You are the only one that seems to think this is not a proper solution. You're hiding behind let's go to Brookhaven, let's talk to Southold. You didn't mention privatizing."

I'm not going to say anymore because we will address by the way the numbers- the numbers about euthanasia and all that."

Councilman Wooten: "Rex, let me say something."

Rex Farr: "Yeah, I'm sorry, Jim."

Councilman Wooten: "I did talk to Mike White at length about the article he's doing and Riverhead does have a pretty good low kill. But we have-- I know it's because of the fact that we do have volunteers there. RSVP picks a lot of our dogs. When our dogs get on the chopping block, they really do step up to the plate. So I thank RSVP for coming in and doing that and working with our dogs.

Sometimes one falls beneath it and has to be taken out but Riverhead fought (inaudible) a lot of times. It still works very well. You guys are tough. So I think there is better solutions to a community shelter than trying to out source the whole thing. I'll discuss it more with the supervisor-- "

Rex Farr: "Has Mr. Cornesi been informed that there are certain things going on out there in his file? Has he been approached to say please step aside? Have you talked-- has the board even-- I've been told by each of you-- "

Supervisor Walter: "Rex, excuse me-- John's going to run the meeting for a minute. You've got to excuse me."

Rex Farr: "Oh, there's a line there, ladies and gentlemen. Has the board actually brought this up for resolution? Each of you, the four of you have given me your word. You're saying that you will back Jim's suggestion."

Councilman Gabrielsen: "Yes, but since that suggestion other variables have come in to play. Things change. Brookhaven, whatever, so other things come into play that have to be considered."

Rex Farr: "How do we as a community-- George, how do we get this to be resolved? Are we going to sit back here for another six months?"

Councilman Gabrielsen: "Well, I'm just saying, the other issues-- "

Councilman Wooten: "Well, there was assurances made that there would be some transfers made."

Rex Farr: "Right. And that's what we thought back in December. I want to thank you and Jodi and John and George and, you know, we've had conversations. I know you're trying to resolve

this."

Councilman Dunleavy: "I don't want to go back and forth because this isn't the place for it but yes, but we have to follow civil service rules, we have to have openings and these are the things that we're waiting for and like the Supervisor said, people are retiring so we get places that we may be able to transfer certain people to. And that's what we have to look forward to is, this is not going to- we're not going to solve this problem overnight. It's going to take- "

Rex Farr: "But six years isn't exactly overnight."

Councilman Dunleavy: "-- it's going to take a while to follow all the steps so we can do this."

Rex Farr: "I understand about crossing t's and dotting i's and I appreciate it. I certainly don't want to expose Riverhead to any kind of lawsuits, dollars and cents. We're broke enough as it is. We don't need to be spending money in this area."

Councilman Dunleavy: "(inaudible) and they could sue us and the next thing you know we're paying them back pay or something. So let's cross- "

Rex Farr: "Well, what about putting him on paid vacation? I mean, the fact that he's still sitting in his office- "

Councilman Wooten: "Anything like that, Rex, would have to be bargained for disposition with the union anyway. But- "

Rex Farr: "Are you asking the community, Jim, now to sit back and wait until November to, you know- "

Councilman Wooten: "You know what my solution is? I don't think the dog catcher should be running the show."

Rex Farr: "All of your members agree with your solution. I don't understand what the problem is. That's a four to one vote."

What happened in Riverhead- I mean in Hempstead? Think about that. The lady was literally moved within 24 hours after a story was broke. Why are we different? I don't get it."

Councilman Dunleavy: "Thank you, Rex. Next please."

Sue Hansen: "Hi, my name is Sue Hansen, I'm from Rocky Point. Once again I'm here to comment on the animal shelter."

With- I just want to make one comment with regard to the euthanasia rate. That's absolutely correct. The euthanasia rate in Riverhead is very low and that is no accident. That's the direct result of volunteers being allowed back in the shelter as a result of a resolution that was passed in- at the end of 2005.

If you look at the euthanasia rate before that, you'll see quite a different picture."

Councilman Dunleavy: "And we thank the volunteers."

Sue Hansen: "Okay."

Councilman Dunleavy: "Thank you."

Sue Hansen: "Two weeks ago, I'm sorry, three weeks ago I spoke at a town board meeting. Supervisor Sean Walter had stated in February that he needed a 30 day grace period to correct the problems plaguing the shelter. It is now 39 days since then. Despite egregious errors in judgment, despite employees undermining, disregarding and violating, I repeat violating, local Riverhead resolutions designed to protect the animals in their care, despite reports that an ACO blatantly lied to the supervisor in order to gain authorization to kill a dog, business as usual continues."

This is your Riverhead animal shelter. At the town board meeting three weeks ago, I theorized that the reason that the animal control officer was not relieved of his duties at the shelter was that he acted with the full knowledge and approval of his superior, chief of police David Hegermiller.

No one challenged that. In fact, a man who I believe identified himself as Sergio Diaz, a labor relations specialist, spoke after me in defense of Lou and essentially substantiated my theory.

He stated words to the effect that Lou did what his supervisor told him to do. Let me repeat that because I found that statement to be devastating even though no one else seemed to notice or

thought much of it because none of the news reporters from the Riverhead News Review, the Riverhead Local or the Riverhead Patch or Newsday thought it was worth printing.

Sergio Diaz, a labor relations specialist, spoke after me in defense of Lou. He stated words to the effect that Lou did what his supervisor told him to do.

Apparently, Mr. Sergio, being a labor relations specialist, has more knowledge of this matter than the rest of us and is not reluctant to say so but this opens the door to more questions.

Did Lou's supervisor tell him to ignore the local resolution? Did he tell him to lie to the town supervisor in order to gain approval? Or did he just tell him to kill the dog?

And I might add, Mr. Sergio said this Lou told him- Lou did what his supervisor told him to do. He said this as if that made everything all right, as if now it was justified and absolved the ACO of any wrongdoing. It doesn't.

And if Mr. Sergio's statement is true, then this is unconscionable. That the chief of police, the highest officer of the law in Riverhead, would do that.

I can't understand how a situation like this is tolerated and allowed to continue. I feel as though I'm in the George Orwell novel 1984. Do any of you have a conscience? Does anyone involved with this including the town board know the fundamental difference between right and wrong?

It is now nine days past the supervisor's requested grace period to resolve the issues at the shelter. It's been over three months since Bruno was killed. It's been over a year since Butch. Do you remember him, the meatball dog? Since he was killed. And it's been 15 years that people have been asking for change and still it has not come.

There is no denying there is a problem but the failure to correct it is equally disturbing. The supervisor made a fatal error when he authorized the death of an innocent dog and Sean Walter may think he has what it takes to make the tough decision, but his actions and now his inaction tell a different story.

Sadly, it appears that the leadership in this town is part of the problem and not part of the solution."

Councilman Dunleavy: "Thank you."

Connie Farr: "Hi, I'm Connie Farr and I want to read this letter- "

Councilman Dunleavy: "Can you pick the mike up, please?"

Connie Farr: "The letter that's from some concerned citizens.

This is a sad tale, a dog's tale or the treatment of a shelter dog in the town of Riverhead. Star, whom you just met earlier today, was received at the Riverhead shelter on December the 18th, 2010. She was an unspayed female who happened to be in heat at the time so she was placed in isolation.

She was also restricted from any social interaction with staff or volunteers and not allowed to go outside or to be walked. On January the 5th, Lou Cornesi, the ACO, had her seen by a veterinarian. He was informed that she could be in heat for several weeks, maybe even a month. He was advised to wait two to three weeks after her heat to spay her.

Early surgery is very risky. There's much bleeding and pain. He chose to disregard these facts and arrange for her to be spayed 10 days after this appointment.

After the surgery he was then told to keep her calm and quiet for several days to allow for healing and time to de-stress. Again, this advice was ignored and in less than 24 hours she was adopted.

In pain, she was sent to a strange home in another dog's territory. Of course, there was a dog fight. Star was returned to the shelter the next day.

This is another example of the ignorance concerning animal care by the person in charge of the shelter and the life and well-being of our homeless, lost and abandoned dogs. They deserve better. We deserve better. Star deserves better. She was treated in a cruel and inhumane way.

Is this the way our tax money is spent to run the Riverhead

shelter? This is just one of the many stories that have been documented concerning the care and the well-being of these animals.

Thank you."

Supervisor Walter: "Thank you. Anybody else wish to be heard? Can I get a motion to adjourn?"

Councilman Dunleavy: "I make a motion to adjourn the town board meeting."

Supervisor Walter: "All in favor?"

Collective response: "Aye."

Supervisor Walter: "So moved."

Meeting adjourned: 4:30 p.m.

Oliver M. Wilhelm
Town Clerk